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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,777	08/21/2001	Chris Kreutner	KREUTNER-38766	8590
26252	7590	08/13/2004	EXAMINER	
KELLY BAUERSFELD LOWRY & KELLEY, LLP 6320 CANOGA AVENUE SUITE 1650 WOODLAND HILLS, CA 91367			DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/934,777	<b>Applicant(s)</b> KREUTNER, CHRIS	
	<b>Examiner</b> Cassandra Davis	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11, 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, U. S. Patent 4,557,971 in view of Okisawa, Japanese Patent JP411092722A.

Williams teaches self-adhereable tape comprising a pre-printed message such as "Handle with Care" or "Fragile" such that the tape serves not only to seal a carton, but also to communicate a message. Williams also teaches indicia related to the address or destination of the carton. The tape taught by Williams may be dispensed from a tape-dispensing machine (not shown) which automatically moistens the gumming layer 22 and cuts the tape to length. (See column 4, lines 7-17).

Okisawa teaches an adhesive tape 1 with repeated pre printed indicia 2 listing the rooms of a house in a side-by-side arrangement. The destination of the box in which the tape is applied is indicated by marking the already printed destination room with a circle.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct address indicia on the tape taught by Williams with a room designations as taught by Okisawa to further define the destination of the seal carton.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa et al., U. S. Patent 5,099,991 in view of Williams and Okisawa. Kitagawa teaches a method of packing electrolytic capacitors within a box comprising the step of providing a box 18, inserting the electrolytic capacitor 14 within the box 18 of corrugated cardboard with flaps 191, 191, 192, 192. Thereafter, the flaps 191, 191, 192, 192 are closed and the box is closed by known adhesive tapes 20 to seal the box 18. (See column 3, lines 12-31). Kitagawa does not teach tape having preprinted indicia thereon. Williams teaches indicia related to the address or destination of the carton. Okisawa teaches an adhesive tape with repeated pre printed indicia 2 listing the rooms of a house in a side-by-side arrangement. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the tape of the package taught by Kitagawa with pre-printed address indicia as taught by Williams to provide a means to indicate the designation of the box. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the tape taught by Kitagawa and Williams with repeating designation indicia as taught by Okisawa to provide a means to further define the destination of the box/package and as a means to provide the indicia extending over the entire length of the tape so that the tape would convey the same message over the length of the tape.

With respect to claim 10-11, Williams teaches a preprinted address on the tape indicating the designation of the box and Okisawa teaches that the pre-printed designation indicia in the form of names of rooms in general houses in Japan. It would have been obvious to one having ordinary skill in the art at the time this invention was made to have any known room of a house

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or office printed on the tape to provide a means to identify conventional rooms associated with a house or office.

Claims 6-8 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer, U. S. Patent 4,252,258 in view of Williams. Plummer teaches a gang tape dispenser 10 for a multiplicity of dissimilar rolls of pressure sensitive tape 51 selectively usable at the user option. Each roll may bear repeated distinctive symbols and/or color dissimilar from those on the other rolls enabling the user to employ the strip alone or in combination for coding and/or identifying articles. Although the drawings show numeric indicia on the tape rolls, Plummer teaches that other symbols or combination of symbols may be disposed on the different tape rolls. Plummer also teaches that the rolls may be distinguished from one another by various other means as by different colors, letters or symbols as well as by various colors of tapes imprinted with various symbols. (See column 3, lines 39-63). Plummer does not teach the different symbols on the rolls comprising the names of rooms or locations destinations.

Williams teaches self-adhereable tape comprising a pre-printed message such as "Handle with Care" or "Fragile" such that the tape serves not only to seal a carton, but also to communicate a message. Williams also teaches indicia related to the address or destination of the carton. The tape taught by Williams may be dispensed from a tape-dispensing machine (not shown) that automatically moistens the gumming layer 22 and cuts the tape to length. (See column 4, lines 7-17).

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the tape dispenser by Plummer with the pre-printed

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indicia as taught by Williams to provide a means to convey the destination or room contents of the box in which the tape is applied.

With respect to claim 6, Plummer clearly teaches multiple dispensing rolls each being of a distinctive color and having distinctive indicia for identifying an article.

With respect to claims 7 and 8, Williams clearly teaches tape having pre-printed indicia related to the address or destination of the carton. The examiner contends that address or destination corresponds to the claims room indicia. It would have been obvious to print the destination address on the tape whether a street address or room addresses as a means to indicate the destination of the box or carton. In addition, since the specific legend "bedroom, bathroom, kitchen, dining room, living room, garage, storage room, office, study, den, family room, utility room etc." does not provide an unobvious functional relationship with the tape, the indicia or printed matter relating to the specific room is considered to be a design consideration. See *In re Miller*, 418, F2d 1392, 164 USPQ 46 (CCPA 969).

Claims 9, 13-16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa et al., U. S. Patent 5,099,991 in view of Plummer and Williams. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct process for packing a box taught by Kitagawa with a plurality of different tapes having different symbols and/or colors to provide a means to selectively code each box. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the taped box by Kitagawa and Plummer with the pre-printed indicia as taught by Williams to provide indicia related to the destination of the box after it's be packed.

***Response to Arguments***

2. Applicant's arguments with respect to claim 17 and 19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

  
Cassandra Davis  
Primary Examiner  
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CD  
August 9, 2004